

MEETING MINUTES
JULY 18, 2006
EMPLOYMENT LAW ADVISORY COMMITTEE

Attendees:

1. Employment Law Advisory Committee Members: Rick Anderson (Sakuma Bros.) Kris Tefft (AWB) Clif Finch (WFI) Carolyn Logue (NFIB) Dave Johnson (WSBCTC) Jeff Johnson (WSLC) Lori Isley (CLS)
2. L & I Staff: Rich Ervin, Suchi Sharma, Janis Kerns, Patrick Woods, Mary Miller, Elizabeth Smith, and Sally Elliott
3. Other Participants: Dan Fazio (WSFB), Doug Smith (Lane Powell), Amy Evans (House Republican Caucus) and Dallas Baker (Seattle Fire, Local 27)

| Agenda Item | Discussion | Action | Due Date |
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| Opening Remarks Introductions | <p>The meeting began with welcome and introductions. Rich asked for a moment of silence in memory of Joe Crump, ELAC member from United Food and Commercial Workers Union. It was noted that the department, labor and employer communities feel his loss.</p> <p>Clif Finch stated that this was his last meeting as he was resigning from the Washington Food Industry and that Jan Gee would be taking his place as Executive Director.</p> <p>Patrick Woods thanks ELAC members for their hard work, trust, and interaction on the Wage Payment Act and on the Employment Law Advisory Committee.</p> <p>Minutes of 4/17/06 meeting were approved and accepted.</p> | Letters sent to Rick Bender for a replacement for Joe Crump and to Doug Smith as the newest member replacing Clif Finch | 8-06 |
| Legislative Review | <p>Suchi provided comments received on the Legislative Review.</p> <ul style="list-style-type: none"> • Kris Tefft asked if comments were received regarding family care and sleep/reside. Suchi reported Jeff Johnson and Lori Isley had submitted comments on these issues and others. • Rich Ervin stated the administrative remedies bill is being referred to as the Wage Payment Act. • Suchi reported she is working on a draft of the department request legislation of the Farm Labor Contractor Act for the upcoming session and will provide a copy of it at the Director's meeting in | | |

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| | <p>Tumwater on July 25.</p> <ul style="list-style-type: none"> • Rich reported a prevailing wage bill will be introduced clarifying wage rates from employees of public agencies are not included in survey requirements. Private sector only will be surveyed for rates. • ELAC requested to be kept informed on both department request bills; Carolyn Logue and Rick Anderson requested to be part of the groups formed for these bills. • Kris Tefft requested that L&I keep ELAC informed of any other legislation that may be requested. | | |
| Rule-Policy Integration | <p>Janis reported on the policies into rules integration project for the Minimum Wage Act and Industrial Welfare Act rules. They are undergoing final edits and will be submitted to ELAC again. Carolyn and Lori agreed to work with L&I to thoroughly review these proposed rules.</p> <p>Discussion occurred regarding taking proposed rules for independent contractors out of both rules to be reviewed at a later time in Phase 2.</p> | | |
| Payment Interval | <p>Suchi reported on progress for the Payment Interval rule. Discussion ensued regarding paragraphs (3), (5), (6) and (7); several suggestions made by ELAC members were accepted for revision in the rule.</p> <p>Lori and Jeff suggested different language for (6) and Suchi requested that they submit language for their proposed changes by Friday, July 21. The CR-102 will be filed August 22 for the Payment Interval hearing on Monday, October 2, 2006.</p> | | |
| Family Care Policy | <p>Discussion on Family Care from Policy ES.C.10 #15 regarding disability plans. Kris proposed a long-term discussion on this issue over the next year with Mary and others. ELAC requested to table this review until after the 2007 session. Current proposed language to remain as is.</p> | | |
| New Business/ | <p>The Sleep and Reside meeting will be scheduled for the subcommittee soon.</p> | | |

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| Sub-committees | <p>Purpose statement was requested by ELAC.</p> <p>Wage Payment Act:</p> <ul style="list-style-type: none"> • Rich provided a copy of the Fact Sheet. ELAC suggested changes to make the Fact Sheet more appropriate for employers so they can benefit from it, and made specific suggestions. • Rich also reported generally on L&I's plans and goals for WPA and specifically on accomplishments made to date. • ELAC requested any data from cases being filed under the WPA. Rich provided information that of 411 complaints filed since June 1, 2006, 171 of those were WPA complaints. Effective date of law was June 7, 2006. • Rich stated L&I was working on rules, which were planned to be adopted in two phases. Phase 1 would include basic rules for processes and procedures. Phase 2 would include estimated audit and interest and other pieces. • Suchi asked ELAC if they want to be involved in writing the rules or should the department write them and ELAC would review and comment. ELAC preferred to let L&I write them and bring them to ELAC for review. • Suchi provided a list of concept rules for WPA for Phase 1. • Dave Johnson asked the number of citations. Rich responded none to date, but several have been "otherwise resolved" or L&I has issued a DOC. • Jeff Johnson requested copies of the form letters and other documents developed for the IRA's so they could see how WPA is working internally. Rich agreed to send the documents. • Jeff also asked if L&I had a data collection plan. Discussion ensued and Rich provided overview of L&I's data collection system. | <p>Updates on WPA activity will be provided as a regular meeting item.</p> | |
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| | <ul style="list-style-type: none"> • Rick Anderson requested information on outreach for the WPA. Janis responded that the Fact Sheet and an FAQ explaining the WPA to employers and employees would be placed on the internet as soon as they were completed; that the Wage Complaint form was already on the internet. Also L&I is using Listserv and publications that would be obtained from L&I service locations or sent by IRA's as mail-outs, presentations as requested, possible L&I presentation such as BOLI provides. ELAC members can also provide information to their members. <p>ELAC suggestions for subcommittee work:</p> <ul style="list-style-type: none"> • It was suggested that L&I develop a timeframe with dates for targeted issues to be accomplished for ELAC subcommittee work on the various issues on the table. This would be provided to ELAC 3-1/2 weeks before the meeting for preparation. • For each subcommittee (meal/rest, sleep and reside, hours worked, child labor), L&I needs to send ELAC members a list the problems with each with why the clarity is necessary, and include any similar federal language on the subject on a side-by-side list and attach a copy of the applicable rule before the ELAC meeting it is to be discussed. • ELAC requested only one subcommittee be reviewed at each meeting because they need more time for each. | | |
| Next Meeting | Tuesday, October 3rd, 1:30 p.m. until 5:00 p.m. Lakewood Library | | |